

HOUSE BILL NO. HB0121

Reporting of abortions.

Sponsored by: Representative(s) Clem, Edmonds, Edwards,
Jaggi, Kroeker, Laursen, Reeder, Steinmetz
and Winters and Senator(s) Barnard

A BILL

for

1 AN ACT relating to abortions; establishing additional
2 requirements for abortion reporting; providing for a public
3 report of abortion statistics; providing penalties for
4 failure to report as required; specifying acts not meeting
5 reporting requirements are acts of unprofessional conduct;
6 and providing for an effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 35-6-107(a) (intro) and by creating
11 new subsections (c) and (d) and 35-6-108 are amended to
12 read:

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14 **35-6-107. Reporting abortions.**

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1 (a) The state office of vital records services shall
2 establish an abortion reporting form which shall be used
3 after May 27, 1977 for the reporting of every abortion
4 performed or prescribed in this state. The form shall
5 include the following items in addition to such other
6 information as may be necessary to complete the form, but
7 in no case shall information be required that would tend to
8 disclose the identity of any individual participating in an
9 abortion beyond that required by subsection (c) of this
10 section:

11
12 (c) The report required by this section shall not
13 contain the name or the address of the patient whose
14 pregnancy was terminated or any other common identifiers
15 including a social security number, driver's license number
16 or any other information or identifier that would make it
17 possible to identify in any manner or under any
18 circumstances a woman who has had an abortion or seeks an
19 abortion. The report shall not contain any other
20 information identifying the patient, except that each
21 report shall contain a unique medical record identifying
22 number to enable matching the report to the patient's
23 medical records.

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(d) Any physician who fails to submit a report under this section by the end of thirty (30) days following the due date established by the office of vital records services shall be subject to a late fee of one thousand dollars (\$1,000.00) for each additional thirty (30) day period or portion of a thirty (30) day period the report is overdue. Any physician required to report in accordance with this section who has not submitted a report, or has submitted only an incomplete report, more than six (6) months following the due date, may, in an action brought by the office of vital records services, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to civil contempt. Intentional or reckless failure by any physician to conform to any requirement of this section, other than late filing of a report, or intentional or reckless failure by any physician to submit a complete report in accordance with a court order constitutes unprofessional conduct under W.S. 33-26-402(a)(xxvii). Intentional or reckless falsification of any report required by this section is a misdemeanor punishable by

1 imprisonment for not more than one (1) year, a fine of not
2 more than one thousand dollars (\$1,000.00), or both.

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4 **35-6-108. Compilations of abortions; matter of**
5 **record; exception.**

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7 (a) The state office of vital records services shall
8 prepare and after May 27, 1977 keep on file for seven (7)
9 years compilations of the information submitted on the
10 abortion reporting forms. The compilations shall be
11 available ~~only to a local, state or national public health~~
12 ~~official or a physician upon his written request~~ as
13 provided in this section. The state health officer, in
14 order to maintain and keep such compilations current, shall
15 file with the reports any new or amended information. ~~The~~
16 ~~information submitted under W.S. 35-6-107 and compiled~~
17 ~~under this section shall not be stored in any computer.~~

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19 (b) A report received under W.S. 35-6-107 shall be
20 maintained in strict confidence by the state office of
21 vital records services, shall not be available for public
22 inspection and shall not be made available except to the
23 attorney general or a district attorney with appropriate

1 jurisdiction pursuant to a criminal investigation or to the
2 state board of medicine to enforce a finding of
3 unprofessional conduct as provided in W.S. 35-6-107(d).

4
5 (c) Not later than June 30 of each year the office of
6 vital records services shall issue a public report
7 providing statistics for the previous calendar year
8 compiled from all of the reports covering that year
9 submitted in accordance with this section for each of the
10 items listed in W.S. 35-6-107. The report shall also
11 include the statistics for all previous calendar years
12 during which this subsection was in effect, adjusted to
13 reflect any additional information from late or corrected
14 reports. The office shall ensure that none of the
15 information included in the public reports could reasonably
16 lead to the identification of any pregnant woman upon whom
17 an abortion was performed, induced or attempted.

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19 **Section 2.** This act is effective July 1, 2016.

20
21 (END)